

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1500/2018

with

Civil Application No.6216/2008

in

First Appeal (ST) No. 10103/2007

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. Gaurav Potnis I/b. Smt. P. Potnis for
the Applicant

Mrs. Tanaya Goswami, AGP for the State

CORAM: K.K.TATED, J.

DATED : AUGUST 28, 2019

P.C.

1 Heard. This Application is for condonation of 411 days delay in preferring the appeal challenging the judgment and award dated 25.08.2005 passed by the Reference Court, Pune in LAR No.121/1998.

2 The learned counsel for the Applicant submits that they filed Civil Application No.6216/2008 for bringing the legal heirs on record of deceased claimant No.2 Vitthal Barku Shivekar who died on 20.10.2005.

3 The learned counsel for the Applicant submits that immediately after passing the impugned judgment

and award the claimant No.2 expired on 20.10.2005 and they filed the First Appeal showing the legal heirs on record of deceased claimant No.2. He submits that to that effect the office has raised objection. Hence, the Civil Application.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Applications, I am satisfied that the Applicant has made out a case for allowing both the Civil Applications.

5 Hence, following order is passed:

- a. Delay in filing the First Appeal is condoned.
- b. The Applicant is permitted to bring on record the legal heirs of deceased claimant No.2 Vithal Barku Shivekar in the Civil Application and the First Appeal.
- c. Both the Civil Applications stand disposed of accordingly.
- d. No order as to costs.

(K.K.TATED, J.)